

# **Exhibit 4**

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**From:** Christopher Young <cyoung@saverilawfirm.com>  
**Sent:** Tuesday, June 11, 2024 2:57 PM  
**To:** Paven Malhotra; Joseph Saveri; Rohit Nath; R. James Slaughter; Stoler, Reilly T.; Cadio Zirpoli; kmcmahon@saverilawfirm.com; Aaron Cera; Holden Benon; William Castillo Guardado; Matthew Butterick; bclobes@caffertyclobes.com; dmuller@venturahersey.com; NYT-AI-SG-Service@simplelists.susmangodfrey.com; Alter-AI-TT@simplelists.susmangodfrey.com; jared.briant@faegredrinker.com; Jacobson, Jeffrey S.; Geman, Rachel; Dozier, Wesley; ssholder@cdas.com; ccole@cdas.com; MicrosoftNYClassActionFDBR@faegredrinker.com  
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**Subject:** RE: [EXT] RE: OpenAI deposition coordination

[EXTERNAL]



Dear Paven,

With respect to OAI's proposal to extend case deadlines, the CA Plaintiffs are reluctant to agree to any extension without any status updates on currently pending document requests. Document production is independent of deposition coordination. We see no reason why any discussions about deposition coordination requires an extension for document production, particularly when the CA Plaintiffs propounded discovery requests six months ago. Without any updates on the status of document production including an estimated time for substantial completion, Plaintiffs believe any extension would only result in unnecessary delay. Please provide a status update on document production, OpenAI's efforts to reconstruct Books1 and Books2, and its proposal for the ESI protocol, and please provide a date certain by which OAI anticipates document production will be substantially completed.

Plaintiffs are still considering OAI's other proposals.

**Christopher**  
T 415.500.6800 x807

**JOSEPH SAVERI**  
LAW FIRM

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**From:** Paven Malhotra <PMalhotra@keker.com>  
**Sent:** Wednesday, June 5, 2024 9:17 AM  
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**Subject:** RE: [EXT] RE: OpenAI deposition coordination

Counsel,

Please let us know your response to OAI's proposals below as well as any other proposals you may have regarding coordination. We can jump on a call later this week to discuss if necessary as well.

Regards,  
Paven

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**From:** Paven Malhotra <[PMalhotra@keker.com](mailto:PMalhotra@keker.com)>

**Sent:** Friday, May 31, 2024 12:58 PM

**To:** Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; Rohit Nath <[RNath@susmangodfrey.com](mailto:RNath@susmangodfrey.com)>; R. James Slaughter <[RSlaughter@keker.com](mailto:RSlaughter@keker.com)>; Stoler, Reilly T. <[rstoler@lchb.com](mailto:rstoler@lchb.com)>; Cadio Zirpoli <[czirpoli@saverilawfirm.com](mailto:czirpoli@saverilawfirm.com)>; Christopher Young <[cyoung@saverilawfirm.com](mailto:cyoung@saverilawfirm.com)>; kmcmahon@saverilawfirm.com; Aaron Cera <[aCera@saverilawfirm.com](mailto:aCera@saverilawfirm.com)>; Holden Benon <[hbenon@saverilawfirm.com](mailto:hbenon@saverilawfirm.com)>; William Castillo Guardado <[wcastillo@saverilawfirm.com](mailto:wcastillo@saverilawfirm.com)>; Matthew Butterick <[mb@buttericklaw.com](mailto:mb@buttericklaw.com)>; bclobes@caffertyclobes.com; dmuller@venturahersey.com; [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com); [Alter-AI-TT@simplelists.susmangodfrey.com](mailto:Alter-AI-TT@simplelists.susmangodfrey.com); [jared.briant@faegredrinker.com](mailto:jared.briant@faegredrinker.com); Jacobson, Jeffrey S. <[jeffrey.jacobson@faegredrinker.com](mailto:jeffrey.jacobson@faegredrinker.com)>; Geman, Rachel <[rgeman@lchb.com](mailto:rgeman@lchb.com)>; Dozier, Wesley <[wdozier@lchb.com](mailto:wdozier@lchb.com)>; ssholder@cdas.com; ccole@cdas.com; [MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)  
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**Subject:** RE: [EXT] RE: OpenAI deposition coordination

Joe,

OAI is not misreading MJ Illman's order. We quoted directly from it. In any event, we are ready to speak with the plaintiffs' counsel whenever you have had a chance to consult with them. In terms of coordination, we propose:

1. Consolidated 30(b)(6) deposition notices for topics relevant to the class action cases.
2. Depositions of OAI and third-party witnesses relevant to the class action cases in a single sitting. Although the default 7-hour limit on depositions would apply, OAI would, in good faith, consider providing additional time depending upon the witness and the number of deposition topics being covered.
3. Extend current case deadlines in the NY and CA class actions by 90 days to facilitate coordination by the parties.
4. Given the NYT's desire to amend its complaint to add new works as well as the factual and legal overlap with the new lawsuit filed by the New York Daily News, OAI intends to request Judge Stein consolidate the NYT and New York Daily News cases for pretrial purposes for now and place those cases on a separate schedule. The limitations on depositions and Rule 30(b)(6) notices described above for the class action cases would not apply to the NYT and New York Daily News cases, although we similarly intend to ask the SDNY Court to order the NYT and Daily News plaintiffs to coordinate and limit depositions as between those two cases.

Best,  
Paven

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**From:** Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>

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**Subject:** Re: [EXT] RE: OpenAI deposition coordination

[EXTERNAL]

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I don't think you read the order correctly.

I will undertake to speak to other plaintiffs and circle back.

If you have particular things you want to suggest, it would be helpful if you pass them along.

Joseph R. Saveri

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**From:** Paven Malhotra <[PMalhotra@keker.com](mailto:PMalhotra@keker.com)>

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**Subject:** RE: [EXT] RE: OpenAI deposition coordination

Counsel,

Last Friday the Court in the *In re Chat GPT* matter (23-cv-3223 ND Cal.) issued the attached order staying depositions in that matter for 30-days so that “all counsel in the OpenAI cases can meet and confer such as to explore every avenue through which the discovery process (and depositions in particular) in these cases may be streamed and made efficient.” The order recognized the need for coordination across the New York and California cases. When we had a call among counsel recently, the New York and California class counsel indicated that no coordination had taken place between the New York and California class counsel. In light of the recent order, the parties must revisit that approach. Please let us know if there is time on Monday or Tuesday next week when a representative from each case is available to discuss how we can all undertake the coordination needed to avoid the “burden and waste of resources” mentioned in the Court’s order.

Regards,

Paven

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**Paven Malhotra**

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**Subject:** RE: [EXT] RE: OpenAI deposition coordination

[EXTERNAL]

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Thanks – just confirming, is Keker sending an invite or should we?

RN

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R. James Slaughter

**Sent:** Sunday, May 19, 2024 5:45 PM

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**Subject:** Re: [EXT] RE: OpenAI deposition coordination

EXTERNAL Email

Reilly,

Wednesday at 3 PT works for us. We will circulate a calendar invite.

Thanks,

Jamie

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**From:** Stoler, Reilly T. <[rstoler@lchb.com](mailto:rstoler@lchb.com)>

**Date:** Friday, May 17, 2024 at 8:47 PM

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**Subject:** RE: [EXT] RE: OpenAI deposition coordination

[EXTERNAL]

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Hi Jamie,

AG/NYT Plaintiffs are available to confer regarding these issues between 3-5:30pm PT on 5/22.

Please let us know if there is a time in that window that works for your side.

Thank you,

Reilly

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**Subject:** [EXT] RE: OpenAI deposition coordination



All:

I have not received any response to my May 7 email below regarding coordinating depositions. We have, however, now received a request from the In re OpenAI ChatGPT Litigation plaintiffs for a 30b6 deposition that will likely require the testimony of Alec Radford and separately a request from the Authors Guild plaintiffs for a date for Mr. Radford's deposition.

We are in the process of determining Mr. Radford's availability and will be in touch regarding a date for his deposition. We have also received from the In re OpenAI ChatGPT Litigation plaintiffs a request for a date for David Willner's deposition. We do not know if any of the NY plaintiffs intend to take Mr. Willner's deposition. Per my email below, we will only be putting our witnesses up for deposition once so we expect that plaintiffs will coordinate regarding these and other depositions.

We think it would behoove the parties to meet and confer regarding these issues. Please let us know when you are free early next week for such a conference.

Thanks,

Jamie

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**Subject:** OpenAI deposition coordination

Counsel,

I write on behalf of the OpenAI defendants. I've addressed this email to Plaintiffs' counsel in the *In re OpenAI ChatGPT Litigation* pending in ND Cal, as well as plaintiffs' counsel in the *Authors Guild* and *NYT* cases pending in SDNY. I have also copied counsel for Microsoft. If I have left anyone off – my apologies, it was inadvertent.

As you all know, the above referenced cases involve overlapping facts, claims, issues, and defenses. The discovery sought by the various plaintiffs' groups is, not surprisingly, also overlapping. We expect that plaintiffs' counsel will seek to depose many of the same defense witnesses. We trust and expect that Plaintiffs agree that the parties should coordinate depositions to the greatest extent possible to avoid the undue burden and expense of multiple depositions of the same individual on the same issues. Along those lines, OAI intends to make its witnesses available one time, presumptively for 7 hours, which depositions may be used in all cases as if they had been taken in each case. Please confirm you are agreeable to such an approach and coordination. We would be happy to discuss as necessary.

Thanks,

Jamie

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